



Draft Strategy for National Clean Water Industrial Regulations

Summary

EPA is announcing a draft Strategy that describes a process EPA may use to identify industries for which effluent guidelines need to be revised or developed, in compliance with Section 304(m) of the Clean Water Act.

Background on Effluent Guidelines

Effluent guidelines are technology-based national regulations that control the discharge of pollutants to surface waters and to publicly owned treatment works (POTWs). Effluent guidelines are specific to an industry. EPA develops effluent guidelines for all types of industrial discharges – including manufacturing, agricultural, and service industries. As required by Section 304(m) of the Clean Water Act (CWA), EPA publishes an Effluent Guidelines Program Plan every other year to announce the Agency's plans to develop new effluent guidelines and revise existing ones.

Since 1992, the Plans responded to the terms of a Consent Decree the Agency entered with Natural Resources Defense Council, Inc., and Public Citizen, Inc. The end of the Consent Decree in 2004 offers EPA and interested stakeholders the chance to evaluate the existing program and to consider how national industrial regulations can best support the national clean water program.

Summary of Draft Strategy

The draft "Strategy for National Clean Water Act Regulations" outlines a process that EPA proposes to use to develop Effluent Guidelines Plans. The process will allow EPA to identify existing effluent guidelines the Agency should consider revising or

industrial categories for which the Agency should consider developing new effluent guidelines.

Two overarching goals guided the development of the draft Strategy: reducing risk to human health and the environment and assuring transparent decision-making. In order to accomplish the first goal, EPA looked at the Clean Water Act and identified four major factors for deciding if it is appropriate to revise or develop an effluent guideline. These are:

- 1) the extent to which an industry is discharging pollutants that pose a risk to human health or the environment;
- 2) whether an applicable and demonstrated technology, process change, or pollution prevention approach would substantially reduce that risk;
- 3) the cost, performance, and affordability of the technologies, process changes, or pollution prevention approaches; and
- 4) implementation and efficiency considerations, such as whether a current guideline is a barrier to the use of new technologies with multi-media benefits, or whether revising an existing guideline to allow for in-plant "trading" of

pollutant limits might reduce more pollution and cost less than the current rule.

EPA would also consider other appropriate factors under the Clean Water Act in determining whether or not to revise or develop a guideline for an industrial sector.

Washington, D.C. Or you can send e-mail to: harrigan.patricia@epa.gov. You can view or download the draft Strategy on the Internet at:

<http://epa.gov/guide/strategy/>

EPA's second goal is transparent decision-making. A critical part of the proposed process is interaction with stakeholders – industry, academia, States, POTWs, environmental groups, and the public. EPA hopes the Strategy will give those who are interested an understanding of the process and the chance to participate in decisions about how national industrial technology-based regulations (effluent guidelines) can best meet the needs of the national clean water program.

EPA also hopes that stakeholders will identify information that will help the Agency evaluate the four factors listed above, as well as suggest other factors and information the Agency should consider in revising or establishing effluent guidelines.

EPA will get feedback from stakeholders by soliciting comments in a *Federal Register* notice, by holding a public meeting, and by meeting with organizations who represent the groups that will most likely be interested in the future of national industrial clean water regulations.

EPA is looking for ways that its Strategy for National Industrial Clean Water Regulations can help spur the development of innovative technologies, promote multi-media pollution prevention, and expand the use of market-based incentives to improve the quality of our nation's waters.

Further Information

For additional information concerning this action, you can contact Pat Harrigan at (202) 566-1666 at the U.S. Environmental Protection Agency, Office of Water, Engineering and Analysis Division (4303T), 1200 Pennsylvania Avenue, NW,